

**REMARKS/ARGUMENTS**

**I. Amendments to Specification**

The specification is amended to correct informalities that were pointed out by the examiner in the office action. In paragraph [0007], the Specification has been amended to replace the word "excelerating" with the word "accelerating" as per the examiner's recommendation. No new matter has been added. Withdrawal of Examiner's objection is respectfully requested.

**II. Amendments to Claims and Remarks**

Claim 1 has been amended. Support for the above claim amendment can be found at least in paragraphs [0020] and [0021] of the Specification. No new matter has been added. Claims 1-6 are currently being prosecuted. Claims 7-18 are withdrawn from consideration due to an Examiner restriction requirement.

It is noted that the previous response of March 27, 2007 denoted claim 1 as previously amended and contained claim amendments. These amendments are now reiterated in this response and denoted as currently amended. Reconsideration in view of these amendments is respectfully requested.

Claims 1-6 are rejected as being unpatentable under 3 U.S.C. § 103(a) over Pearl (US 3,815,221) in view of Henninger (US 3,274,409) in view of Balamuth (3,086,288) and in further view of Kuris (3,610,080). The Examiner stated Pearl discloses all the claimed elements except for the means for actuating the blade, or a resonator assembly, or a controller. The Examiner further stated that Henninger

discloses a resonator assembly and Balamuth discloses advantages for using a vibrating blade in cutting operations, particularly for cutting fabrics and leather. The Examiner also stated that Kuris discloses a controller.

Amended claim 1 recites: “a magnetically permeable beam”, “a magnetic pickup coupled to said beam”, “a blade coupled to said beam and defining at least one sharpened edge”, “at least one discreet magnet positioned proximate said pickup, said magnet and said pickup defining an air gap therebetween”, “resonating means for moving said at least one discreet magnet relative to said pickup to create an alternating magnetic field, *said resonating means opening and closing a magnetic circuit comprising said beam, said magnetic pickup and said return bar*, thereby causing said pickup to vibrate which in turn causes said beam and said blade to vibrate,” and “whereby said vibration of said blade allows the sharpened edge to cut through the work material.”

Flux density generated between a magnet and the pickup is maximized when utilizing the claimed magnetic circuit. Without the return bar, magnetic flux would return to the magnet via its outer edge. This return path restricts the magnetic coupling since magnetic coupling and therefore force is greatest when the air gaps in the magnetic circuit are minimized. (See Applicant's para. [0021])

Applicants respectfully submit that Pearl, Henninger, Balamuth, and Kuris, either alone or in combination, fail to teach, describe, or suggest a “resonating means opening and closing a magnetic circuit comprising said beam, said magnetic pickup and said return bar,” as recited in claim 1.

Pearl discloses a method for holding sheet material by a vacuum hold down. Pearl does not disclose means for actuating the blade or a resonator assembly or a controller.

Balamuth discloses blade oscillation via a transducer that produces vibrations of ultrasonic (sound) frequency. Balamuth teaches away from using a magnetic circuit as the applicant claims. (See Balamuth, Col. 1, para. 2).

Kuris discloses a controller for controlling an ultrasonic (sound) transducer. Kuris teaches away from using a controller that controls opening and closing a magnetic circuit according to the present invention.

Henninger fails to cure the deficiencies of the aforementioned references. Henninger teaches away from the applicant's invention by requiring that a magnet 32, nested in a holding means 25, attracts a reed magnet 14 thereby causing a pair of switch contacts (i.e., contacts 18 and 22) to close. (Henninger, col. 3, lines 17-24). The instant Application differs from Henninger because the magnetic flux from the reed magnetism is never returned to the magnet in the holding means. Magnet flux in Henninger simply returns to the magnet via its outer edge and therefore flux density is not maximized as in the applicant's claimed invention.

The combination of Pearl, Henninger, Balamuth and Kuris fail to teach or suggest a magnetic circuit comprising a beam, a blade and return bar means wherein the magnetic circuit is opened and closed by the resonating means.

Therefore, Applicants respectfully submit that the references either alone or in combination fail to teach or suggest each and every limitation of the claimed invention, and thus, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

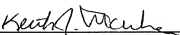
If any issues remain, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned attorney.

**AUTHORIZATION**

The Assistant Commissioner is hereby authorized to charge any additional fees that may be required for this response to Deposit Account **13-4500**, Order No. **4757-4142US1**, and is hereby petitioned for any extension of time that may be required to make this response timely. **A DUPLICATE OF THIS SHEET IS ATTACHED.**

Respectfully submitted,  
**MORGAN & FINNEGAN, L.L.P.**

Date: November 2, 2007

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